

The Case of Thomas Skinner Merchant, against the East India Company.

IN the year 1657, and some years before, there was an open Trade to the *East-Indies*, the then *East-India* Company having (by publick posting upon the Exchange) offered to sell their joint interest at *Black-wall*, which they accordingly did, and publickly exposed to sale their Forts, Houses, and Ware-houses, and all other the interest of their joint stock in the *East-Indies*, in order to conclude and put a period to the then Company. And accordingly the chief members of the said Company, viz. Sir Andrew Riccard, Maurice Thomson, John Jolliff, Sir Francis Clarke, Hugh Forth, &c. And generally all others, as well of, as not of the said Company, sent Ships into the *East Indies*, and traded thither upon their private Accounts and Adventure, without any Hinderance or Molestation, And the principal of the said Company writ to the Agents and Factors in *India*, That it was the opinion of most Merchants in England, and their desire to carry on the *India* trade with freedom and liberty, for every one to employ their own ships and stocks, as they should see best: other eminent members of the said Company, by their Letters dated London 25 May 1654, 20 November, and 31 January 1655, directed and desired Frederick Skinner (then Agent at *Bantam*) to assist all private Traders, and upon his acting accordingly, gave him great thanks for so doing, which Letters are signed Maurice Thomson, William Pennoyer, John Robinson, Henry Brown, Samuel Mico, Edward Mico, William Wildey, Aron Baker, Nathaniel Temms, Thomas Winter, Richard Swan, Rob. Crammer, Thomas Tomlins, Thomas Cambam, Christoph. Willoughby.

Upon which publick and common freedom of Commerce, Thomas Skinner bought a Ship called the *Thomas of Dover*, and sailed from London in her in the beginning of 1657, and in 1658 arrived at *Jamby* in the *East-Indies*, having before he departed from England, treated with divers Merchants of London (joyned with Sir Andrew Riccard and others that were members of the former Company, and afterwards became members of the new Company constituted by Cromwells Charter) concerning a Ships lading of *India*-cotton-cloath, and the Delivery of *Pepper* in the *Indies*; so that Thomas Skinners Design for the *East-Indies* was publickly known, and not in the least contradicted, but on the contrary approved, and made use of by several members of the late, and new made Company, as appears by a writing of 5th May 1657, signed Andrew Riccard, Samuel Mico, Jonathan Keate, Hugh Forth, and divers others &c.

Skinner arriving in *India* 1658, he was possessed of a House in *Jamby*, as also of a Ware-house near the River of *Jamby*, where his Ship did ride, wherein he put a great part of his Goods, and did purchase of the King of *Jamby* the (a) Islands *Barella*, the inheritance whereof the said King conveyed to Thomas Skinner and his Heirs under his Hand and great Seal, upon which he built a House, and contracted with *Chineeses* to plant 300 acres on the greatest Island with *Pepper*, which would have rendered from 1664, 30 Peculs an acre every year, (though they usually render more) is 9000 Peculs, each being 132 pound English weight, which (b) rated only at 4 Ryals per Pecul there worth, of which deducting two Ryals for planting, gathering, and all other charges, there rests two Ryals clear per Pecul, which amounts to 18000 Ryals of Eight there yearly Revenue, which invested in *Pepper*, and sent for *Europe* (freight, charges and adventure deducted) rendering but (c) 13 shill. sterling per Ryal (d) though *Pepper* sent into any parts of *Europe*, besides *England* and *Holland* renders much more) comes to pound Sterling 11700 pound per annum.

He refitted and freighted his Ship for a Voyage from *Jamby* to *Macassar* and *Maccao* in *China*, so that his Trading-Stock at *Jamby* of only 9000 Ryals being there invested in black *Pepper*, would have yielded him at the least at *Macassar* 12200 Ryals, which with 20000 Ryals of Eight Freight from *Macassar* to *Maccao* is 32200 Ryals; of which deducting for Charges and other consideration 4200 Ryals there rests neat 28000 Ryals, so that taking a Freight back, or imploying the said 28000 Ryals (being neat Stock) but at 50 per cent. profit; which is much short of the gains which the Companies Letters of Instructions, as likewise Sir Andrew Riccard and his Associates do mention, which Letters declare that they commonly get 70 and 80 per cent. on shorter Voyages: it makes at the return at *Jamby* 42000 Ryals, of which deducting 5000 Ryals for charges and consideration of Adventure, there rests neat 37000 Ryals clear Stock, which the Company ought justly to make good, according as so much invested at *Jamby* in black *Pepper* would have produced *an.* 1660 or 1661 clear (Freight, Charges; and Consideration for the Adventure deducted) in *Europe* with interest ever since, and his ship still his own: which fitting out cost in *England* above 2500 l. sterling, and was worth more in *India* in respect of the (e) great gains which are made by trading from one port to another in those parts, besides the Adventure and continuall Disbursements for 2 years Necessaries for Ship and men, fresh victuals &c. and his great Expence in refitting her at *Jamby* for a new Voyage and freight which she was hindered of by her seizure; which with the Interest hitherto doth amount to above 7000 l. sterling, but reckoning it but at 2500 l. sterling, the company ought to allow him the same profit which 2500 l. sterling principal invested in *Pepper*, would have rendered him clear (Freight Charges and Adventure deducted) in *England*, with interest for the forbearance.

(a) The Companys several Letters from *Jamby* and *Bantam*, denote the Islands *Barella* to be eight Leagues in compass; well seated for Trade, that the Ships from *China* and all Northern Parts, which pass by it for *Battavia*, would resort thither, and attract a great Trade, which soon will regain the charge of a Fort, &c.

(b) *Linschoten* printed anno 1596. expresses their commodiousness of good Roads, fresh-water, &c.

(c) Some Members of the Company on private Trade in 1655. have made according to their Factors deposition about 20 s. of a Ryal by *Pepper* sent from *Bantam* to *Italy*; and (d) the Company sold their *Pepper* in *London*, anno 1665, 1666, and 1667. from 16 d. 19 d. to 23 d. a pound; (e) The 13 s. per Ryal being but pro rata of 12 d. a pound.

Lex Mercatoria cap. 21. Declares, That the Law doth allow severe reparation in case of obstructions amongst Merchants of Ships Voyages; if so in ordinary Cafes near home, how much more in a fowl remote depredation.

In 1657. Sir John Deitricke, Sir John Bancks, Sir Francis Clarke, Sir Samuel Mico, Sir Jonathan Keate, Mr. Richard Lant, Hugh Forth, John Rools, Samuel Wilson, John Turner, Daniel Skynner, Thomas Ristell, and Lawrence Browning, most of which became since, and are still Members of the Company, sent on their private account to *Bantam* in the *East-Indies* for *Pepper*, to be brought direct for *Europe* 34342. Pieces or Ryals of Eight; which the Dutch-Company (then in War with the King of *Bantam*) took there, for which they paid in 1659. to the said Adventurers here 28260 l. 17 s. 1 d. Sterling, which renders a Ryal 16 s. 5 d. Sterling, and thus they had honest and full reparation without much trouble or expence; as if they had performed, and not been obstructed in their design.

Skimmers Stock did amount to more then 9000 Ryals, (besides Jewels, Plate, and other things) yet reckoning but as Mr. Job. Buckworth a Merchant and Arbitrator chosen by order of his Majesty in Council September 1664. and Joseph Ayloffe, Esq. by order of the then Lord Chancellor and other Lords Anno 1666. reported the same Stock to be Ryals 8836

And for the Ship as they found the same to have cost setting out of *England* at least 2500 l. Sterling, of which they deducted; part for Ware and Tare, rating the rest at Ryals

Together, Ryals	8000
	16836

which they declared the Company was to make good as if they had been invested there in *Pepper*, to be reduced into Sterling Money, as they sold their *Pepper*, anno 1659 and 1660. in *London*, being one with another 12 d. per pound, which renders according to the Companies Books (Freight, Adventure, Tret, and all Charges deducted) clear 13 s. wanting 1/2 part of a peny, per Ryal, amounting to pound Sterling

And reported the Interest thereunto to be added ever since, which at 6 per cent. a year, for 15 years is till 1675

is Sterling

10955 l. 1 s. 10 d.
9855 l. 0 s. 0 d.
20810 l. 1 s. 10 d.

And the Assault of his Person.
Loss of his Time.
Disappointment of his Trade.
Attendance and Charges here.
Dissipation of his Island.

Valluable at more than the other particulars, they submitted to the King and Lords discretion.

(e) Captain Wilde cleared 16000 Ryals of Eight by letting his Ship to Freight on a Voyage only of three Moneths in *India*.

In October 1657 (within few Months after Thomas Skinners departure from England) the said Maurice Thomson, Sir Andrew Riccard and others (most of them members of the former Company) having procured a patent from Cromwell filed themselves the Company of a new joint Stock, and sent their Agents to the said Indies, with order to seize all Ships and goods of English trading there, according to this Letter written then by the said Company.

Our Agents and Factors in Bantam.

We the Governor, Deputy, and Committee of the new general joint-stock for India, commend us heartily unto you &c. his Highness the Lord Protector of, &c. having been pleased by his Letters Patents under the Great seal to incorporate an East-India Company, and to exclude all others from using or exercising any Trade in India, but such only as be admitted members of the said Company, this his said Highnesses grant hath given us encouragement that a large stock is underwritten, for the carrying on the East-India trade, &c.

The Trade of India being now settled and appropriated unto us by his Highnesses Authority and thereby all others of this Commonwealth excluded to exercise any Trade in those parts, we do therefore by virtue of that power, conferred upon us hereupon authorize you, that if any English person or persons whomsoever they be, shall send out any Ship or Ships unto Bantam, or within the limits of your Agency, or use any trade or traffick in those parts contrary to the Charter granted unto us the Company, that you make seizure of their Ships and estates, converting them to our uses and accounts therein expressed viz one half to the use of the Commonwealth, and the other half to the use of us the Company, according as in our said Charter is directed and warranted, and for what you shall order in the premises aforementioned, according to the authority herein given you, we will save you harmless and indemnified in all respects, and upon all Occasions for the same &c. We remain, Your loving friends

London the 7th.
May 1658.

Maurice Thomson Governor, Tho. Andrews Deputy.

Christo. Packe	Tho. Foote	John Lewes	Nath. Temms
John Frederick	Rob. Tichborne	William Rider	William Williams
Martin Noell	William Thomson	William love	William Cockain
James Drax	And. Riccard	Rich. Swan	John Jolliff

Whereupon their said Agents and servants, with the assistance of the said Companys Ship *Dragon*, did in May 1659 Seize Thomas Skinners Ship, wounded and forced his men overboard, possessed themselves of her lading, and 1521 Dollers, as likewise all his goods in his warehouse, and dispossessed him of his Island and house thereon, assaulted and wounded his person, endeavouring to surprise him, and refused (contrary to the common Justice of the world) unquestionable security which Thomas Skinner offered them there to answer any Pretensions they might have against him for which inhumane proceedings the King of Jamby would have cut them off, had not Skinner (for Christianity sake) interposed in confidence to find Justice at home.

Thomas Skinner being thus spoiled of his Ship, goods, moneys, house, Warehouse, and dispossessed of his Island, and house thereon, whereby his Plantation of Pepper was hindred (which would have proved so advantageous to this Kingdom, by saving so much Money in the Nation, which hath been and still is transported yearly into the East Indies for Pepper, and the people of England might have had the Pepper cheaper, and consequently have saved so much money in their purses which they have been and yet are forced to pay for it) and his intended Voyage defeated, he resolved to return for England, but being refused passage upon the Companys Ships, he was forced to come home (through great hazards and expence) by land in 19 months travail, in which travail, those witnesses (which he endeavoured to bring with him) dyed by the way.

Being by the Mercy of God arrived safe in London, April 13, 1661, on the 26 of the same, accompanied with some Friends, he demanded friendly satisfaction for his Wrongs and Sufferings, but the Company, and Sir Andrew Riccard then Governour declared, That they were resolved to do nothing, but what they should be compelled unto; thereby hoping to deter the said Skinner from seeking his Right against such Potent and Rich Adversaries, well knowing that two of his chiefest Witnesses were detained in their Service in the Indies, and that the Witnesses he endeavoured to bring home with him, were dead by the way, as likewise that all Skinners Seamen (which were taken by force from his Ship, and put on board their Ship *Dragon*, were lost upon their said Ship, otherwise by the Grace of God they might have come home safe to England.

When Thomas Skinner was seeking redress he was advised by Council learned in the Laws, That the Common Law could not relieve his Wrongs and Damages, if he then had had Witnesses (which he had not) to have sworn *Viva voce* (as is required at a Trial by the Common Law) whereupon he most Humbly Petitioned his Majesty for Justice, according to the Merits of this extraordinary Case, upon which his Majesty was graciously pleased to grant this reference.

At the Court at White-hall the 30 of September 1661.

His Majesty is graciously pleased to refer this Petition to the Lord Privy Seal, the Lord Willoughby of Parham, the Lord Marleborough, the Lord Ashley Cooper, and Sir George Carteret, or any three of them, with power to call such of the present East-India Company as were at that time mentioned in the Petition, chief of that Society before them, and to endeavour that the Petitioner, may have satisfaction according to Right, Equity, and good Conscience, and the rather that he may be the better enabled to proceed in his design on the Isles mentioned in the said Petition, which his Majesty is willing he should be encouraged to, as being advantageous to this Kingdom, or else to make report thereof to his Majesty, and what their Lordships hold fit to be done therein.

Ra. Freeman.

He again Petitioned his Majesty at Salisbury the 27 of August 1665, and was referred to the second meeting of the Council at White-hall with these words, and then some expedient to be found out for the Petitioners relief against the Oppressions of the East-India Company, whereupon at his Majesties return to London, he granted this following Order.

At a Council held at Worcester-house the 23 of March, 1665.

Whereas upon the Petition of Thomas Skinner setting forth his Sufferings under the Barbarous Oppressions of the East-India Company, his Majesty was graciously pleased by order of the 27 of August last to defer the hearing of the matter, &c. till the Second meeting of this Board at White-hall, and in regard the said Company have slighted the orders of this Board, and not complied with any references or mediations, designing to wear out the Petitioners Life in tedious Attendances

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tendances, &c. whereupon his Majesty, present in Council, did order that his Grace the Lord Arch-Bishop of Canterbury, The Lord Chancellor, Lord Privy Seal, and Lord Ashley do send for the Governour and some of the Members of the East-India Company to treat with them, and to induce them to give the said Skinner such reasonable Satisfaction as may in some measure be answerable to the losses and damages he hath suffered under them.

Joh. Nicholas.

To which their Lordships certified, IN pursuance of his Majesties Order in Council, dated the 23 of March last, We have treated with the Governour and Company of Merchants Trading into the East-Indies, and have heard the Councils of both the said Company and Thomas Skinner Complainant, in the disquisition whereof, we found the said Thomas Skinner to have suffered much wrong by the said Company and their Agents, and therefore endeavoured to persuade the said Company to give satisfaction to the Petitioner; but there being a great difference between the Petitioner's demands of reparation for Damages, and the Companies offer towards the same, our Mediation proved ineffectual therein.

As to the Islands of Barella in the East-Indies, claimed by the said Thomas Skinner, We conceive that he ought to enjoy the same and from thence to Trade into any part of the World except into England, given under our hands the 6th of December, 1666.

Gilbd. Cant. Clarendon C.
J. Roberts. Ashley.

His Majesty was graciously pleased likewise to refer the said matters to be examined upon Oath before Dr. Exton then Judge of the Admiralty, before whom he took the depositions of several persons, as it pleased God they arrived in England, some upon one Ship, some upon others, as Thomas Skinner could meet with them, in divers years, most of which persons their occasions permitted not to stay long in England, and others are since Dead, so that Skinner could never have any Tryall at Common Law, if he might have had releif there; for the Lords Chief Justices, Barrons, and all the Judges by Order of the King and Council 12th of April 1665, reported that he could not have full releif by the ordinary Courts of Law, which hath made the Company slight all references, mediations, and arbitrations, &c. thereby designing to wear out the said Skinner's life, whilst they have gained vast Sums by Trading with his Estate, and hindered him of the same: and have caused him to consume what Estate he had left, by endeavoring to be relieved against the unparalell'd Wrongs and Oppressions of the said Governour and Company, under which himself, his Wife and eight Children have now languished these 16 years, therefore it is hoped that the Parliament will take his Intollerable grievances into their grave and pious Consideration.

Dr. Exton after nine months hearing the Council of both sides, Reported April 1663 that in Causa Spolia the Law doth admit the Plaintiff to swear his Damages, in de-
testation of VIOLENCE.

Skinner's continual following the Company for Satisfaction ever since the beginning of 1661, hath cost him (besides expence coming with

two of his men who died by the way from India, and inconvenience to raise the Money) at least 5000 pound. One of his said men George Godolphin (who was quarter-master of Skinner's Ship) justified on his Death-Bed before the Companies Factors in Persia, Skinner's Indian papers (about the matters done in India) to be real and truth; which was confirmed here by their then Agent there, Mr. Nicholas Buckeridge, which Factors do attest to have Sealed the said papers, and their Seal, some of which are, VIZ.

The King of Jamby's Conveyance, and Act of Possession of the Island Barella.

The attestation under the Seal of the City of Jamby certifying that the Companies Agent took all without reason, notwithstanding good Bail offered by Skinner and given by the chief men of Jamby for their pretences.

The depositions of William Shephard Shipwright, and others that have been upon the said Island Barella do prove fully the Bigness, Goodness and Consequence thereof for ENGLAND.

The depositions of John Williams, and Peter de Brier the only resting eye witnesses of Skinner's spoil (which the Company had kept in India) prove fully the whole case.

The deposition of Timothy Archer Merchant proves the common fame of it at Jamby in November, 1659. (which was about a Month after Skinner's departure thence for Europe) and that then he did see Skinner's Ship Goods and Ware-house in the Companies Agent's Possession, and his Sea-men aboard of their Ship Draggon at Jamby, and that by reason of all their VIOLENCES his intended Voyages, and his Plantation on his Island was overthrown, &c.

And greater Testimony cannot be had nor expected in matters of this Nature, where all English that were upon the place when the Fact was committed are DEAD.

The Seal and Translation of the Indian writing is also proved here by the oaths of three men.

Williams died shortly after his arrival, at Poplar in 1664. and de Brier went for Flanders.

Archer was buried the second of March. 1663. in the Parish of St. Dunston in the West, London.

the Common Law in Viva voce (as is usual), according to the sentence.

of Parham, the order to call such of the jury before them, and the reason which his Majesty is of to his Majesty,

A. Freeman

ord meeting of the chief against the following Order.

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